



Federal Bureau of Investigation

Washington, D.C. 20535

May 1, 2013

MR. MICHAEL MORISY  
MUCKROCK NEWS  
DEPT MR 3224  
POST OFFICE BOX 55819  
BOSTON, MA 02205-5819

FOIPA Request No.: 1210689-000  
Subject: FBI DEAD LIST 2012

Dear Mr. Morisy:

This is in reference to your Freedom of Information Act (FOIA) request.

We have located approximately 1,578 pages of records potentially responsive to your request. There is a duplication fee of ten cents per page if you receive a paper copy (See 28 C.F.R. §16.11 and 16.49). Releases are also available on CD upon request. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing medium and large track cases in segments. The first 100 pages, or the cost equivalent (\$10.00) for releases on CD, will be provided to you at no charge. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00.

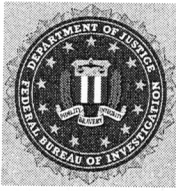
If all of the pages that are potentially responsive to your request are released, you will owe \$147.80 in duplication fees to receive a paper copy or \$35.00 (3 CD's at \$15.00 less \$10.00) to receive the release on CD. Please remember this is only an estimate, and if some of the pages are withheld in full pursuant to FOIA/Privacy Act exemption(s) or are determined to not be responsive to your request, the actual charges could be less. **No payment is required at this time.** However, you must notify us in writing within **thirty (30) days from the date of this letter of your format decision (paper or CD) and your commitment to pay the estimated fee.** If we do not receive your format decision and/or commitment to pay within thirty (30) days of the date of this notification, your request will be closed. Please include the FOIPA Request Number listed above in any communication regarding this matter.

To accelerate processing your request, please consider reducing its scope to place it in a smaller processing queue. This may allow you to reduce your search and duplication costs and hasten the receipt of your information. The FBI uses a three-queue processing system to fairly assign and process new requests. Requests track into one of the three queues depending on the number of responsive pages - 500 pages or less (small queue), 501 pages to 2500 pages (medium queue), or more than 2500 pages (large queue). Small queue cases usually require the least time to process. Please let us know in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Please provide a telephone number, if one is available, where we can reach you between 8:00 a.m. and 5:00 p.m., Eastern Time. Mail your response to: Initial Processing, Record Information/Dissemination Section, Records Management Division, Federal Bureau of Investigation, 170 Marcel Drive, Winchester, VA 22602. You may also fax your response to: 540-868-4997, Attention: Initial Processing.

Sincerely,

A handwritten signature in black ink, appearing to read "D Hardy", is placed below the word "Sincerely,".

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division



U.S. Department of Justice

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Subject: FBI DEAD LIST 2012

Dear Mr. Morisy:

This is in response to your request for a fee waiver for the above referenced Freedom of Information/Privacy Acts (FOIPA) request. Fee waivers are determined on a case by case basis. See 5 U.S.C. § 552 (a)(4)(A)(iii).

To be granted a fee waiver or a reduction in fees, two requirements must be satisfied. First, you must demonstrate that "disclosure of the [requested] information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government." Second, you must establish that "disclosure of the information . . . is not primarily in the commercial interest of the requester." See 5 U.S.C. § 552(a)(4)(A)(iii). The burden is on the requester to show the statutory requirements for a fee waiver have been met. If these requirements are not satisfied, a fee waiver is unavailable under the statute.

To determine whether disclosure is in the public interest, we consider these factors: (1) whether the subject of the requested records concerns "the operations or activities of the government;" (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities; and (3) whether disclosure of the requested information will contribute "significantly" to "public understanding." See 28 C.F.R. §16.11(k)(2).

If the first requirement has been met, we must then determine whether disclosure of the requested information is primarily in the commercial interest of the requester. To make this determination, we consider these factors: (1) whether the requester has a commercial interest that would be furthered by the requested disclosure and (2) whether the magnitude of the identified commercial interest of the requester is sufficiently large, [compared to] the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester." See 28 C.F.R. § 16.11(k)(3). If the requester's commercial interest in disclosure is greater than the public interest to be served, then a fee waiver is not warranted.

We have reviewed the information that you provided in support of your request for a fee waiver and have found that you do not satisfy the first requirement because you have not provided sufficient information to show that the requested information would contribute to public understanding of government operations or activities.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division